

1151 U.S. PTO  
10/97/01

PATENT

Customer Number 22,852  
Attorney Docket No. 3260.0028-01

11000 U.S. PTO  
09/904536  
07/16/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

Prior Application Art Unit: 1647

Prior Application Examiner: L. Spector

SIR: This is a request for filing a

Continuation  Continuation-in-Part  Divisional Application under 37 C.F.R. § 1.53(b) of pending prior application Serial No. 09/109,100 filed July 2, 1998 of Thomas GRADDIS and Jeffrey T. McGREW for FLT3-L MUTANTS AND METHODS OF USE.

1.  Enclosed is a complete copy of the prior application including the oath or Declaration and drawings, if any, as originally filed. I hereby verify that the attached papers are a true copy of prior application Serial No. 09/109,100, as originally filed on July 2, 1998, which is incorporated herein by reference.
2.  Enclosed is a substitute specification under 37 C.F.R. § 1.125.
3.  Enclosed is a Request for Non-Publication of Application and Certification Under 35 U.S.C. § 1.22(b)(2)(B)(i).
4.  Cancel claims 1-32, 46-51 and 56-68.
5.  A Preliminary Amendment is enclosed.

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LAW OFFICES

FINNEGAN, HENDERSON,  
FARABOW, GARRETT,  
& DUNNER, L.L.P.  
1300 I STREET, N.W.  
WASHINGTON, DC 20005  
202-408-4000

6.  The filing fee is calculated on the basis of the claims existing in the prior application as amended at 4 and 5 above.

Basic Application Filing Fee				\$710	\$ 710.00
	Number of Claims	Basic	Extra Claims		
Total Claims	17	-	20	0	x \$18 0.00
Independent Claims	6	-	3	3	x \$80 240.00
<input type="checkbox"/> Presentation of Multiple Dep. Claim(s)				+\$270	0.00
Subtotal					\$ 950.00
Reduction by 1/2 if small entity					- 0.00
<b>TOTAL APPLICATION FILING FEE</b>					<b>\$ 950.00</b>

7.  This application is being filed under the provisions of 37 C.F.R. § 1.53(f). Applicants await notification from the Patent and Trademark Office of the time set for filing the Missing Parts of Application.

8.  Amend the specification by inserting before the first line, the following new paragraph:

~~This is a  continuation  division of application Serial No. 09/109,100, filed July 2, 1998, which is incorporated herein by reference.~~

9.  New formal drawings are enclosed.

10.  The prior application is assigned of record to: Immunex Corporation.

11.  Priority of application Serial No. \_\_\_\_\_, filed on \_\_\_\_\_ is claimed under 35 U.S.C. § 119. A certified copy  
 is enclosed or  is on file in the prior application.

12.  A verified statement claiming small entity status  
 is enclosed or  is on file in the prior application.

13.  The power of attorney in the prior application is to at least one of the following: FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Hefter, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke, Reg. No. 26,014; Albert J. Santorelli, Reg. No. 22,610; Michael C. Elmer, Reg. No. 25,857; Richard H. Smith, Reg. No. 20,609; Stephen L. Peterson, Reg. No. 26,325; John M. Romary, Reg. No. 26,331; Bruce C. Zotter, Reg. No. 27,680; Dennis P. O'Reilley, Reg. No. 27,932; Allen M. Sokal, Reg. No. 26,695; Robert D. Bajefsky, Reg. No. 25,387; Richard L. Stroup, Reg. No. 28,478; David W. Hill, Reg. No. 28,220; Thomas L. Irving, Reg. No. 28,619; Charles E. Lipsey, Reg. No. 28,165; Thomas W. Winland, Reg. No. 27,605; Basil J. Lewis, Reg. No. 28,818; Martin I. Fuchs, Reg. No. 28,508; E. Robert Yoches, Reg. No. 30,120; Barry W. Graham, Reg. No. 29,924; Susan Haberman Griffen, Reg. No. 30,907; Richard B. Racine, Reg. No. 30,415; Thomas H. Jenkins, Reg. No. 30,857; Robert E. Converse, Jr., Reg. No. 27,432; Clair X. Mullen, Jr., Reg. No. 20,348; Christopher P. Foley, Reg. No. 31,354; John C. Paul, Reg. No. 30,413; David M. Kelly, Reg. No. 30,953; Kenneth J. Meyers, Reg. No. 25,146; Carol P. Einaudi, Reg. No. 32,220; Walter Y. Boyd, Jr., Reg. No. 31,738; Steven M. Anzalone, Reg. No. 32,095; Jean B. Fordis, Reg. No. 32,984; Roger D. Taylor, Reg. 28,992; Barbara C. McCurdy, Reg. No. 32,120; James K. Hammond, Reg. No. 31,964; Richard V. Burgujian, Reg. No. 31,744; J. Michael Jakes, Reg. No. 32,824; Thomas W. Banks, Reg. No. 32,719; Christopher P. Isaac, Reg. No. 32,616; Bryan C. Diner, Reg. No. 32,409; M. Paul Barker, Reg. No. 32,013; Andrew Chanho Sonu, Reg. No. 33,457; David S. Forman, Reg. No. 33,694; Vincent P. Kovalick, Reg. No. 32,867; James W. Edmondson, Reg. No. 33,871; Michael R. McGurk, Reg. No. 32,045; Joann M. Neth, Reg. No. 36,363; Gerson S. Panitch, Reg. No. 33,751; Cheri M. Taylor, Reg. No. 33,216; Charles E. Van Horn, Reg. No. 40,266; Linda A. Wadler, Reg. No. 33,218; Jeffrey A. Berkowitz, Reg. No. 36,743; Michael R. Kelly, Reg. No. 33,921; James B. Monroe, Reg. No. 33,971; Doris Johnson Hines, Reg. No. 34,629; Allen R. Jensen, Reg. No. 28,224; Lori Ann Johnson, Reg. No. 34,498; David A. Manspeizer, Reg. No. 37,540; and Timothy B. Donaldson, Reg. No. 43,592.

14.  The power appears in the original declaration of the prior application.

15.  Since the power does not appear in the original declaration, a copy of the power in the prior application is enclosed.

16.  Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT and DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005-3315, **Customer Number 22,852**.

17.  Recognize as associate attorney \_\_\_\_\_

18.  Also enclosed is an Information Disclosure Statement; Submission of Formal Drawings; Paper copy of Sequence Listing filed in parent application U.S.S.N. 09/109,100, on January 24, 2000; Abstract; Preliminary Amendment (including request under 37 C.F.R. § 1.821(e) to use computer readable form of Sequence Listing from parent application and statement to support filing and submission in accordance with 37 C.F.R. §§ 1.821-1.825).

**PETITION FOR EXTENSION.** If any extension of time is necessary for the filing of this application, including any extension in the parent application, serial no. 09/109,100, filed July 2, 1998, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 06-0916. A duplicate copy of this paper is enclosed for use in charging the deposit account.

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: July 16, 2001

By:   
Timothy B. Donaldson  
Reg. No. 43,592

PATENT  
Customer No. 22,852  
Attorney Docket No. 3260.0028-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re 1.53(b) divisional appln of: )  
Serial No. 09/109,100 )  
Thomas GRADDIS et al. )  
Serial No.: Not yet assigned ) Prior Group Art Unit: 1647  
Filed: July 16, 2001 ) Prior Examiner: L. Spector

For: **FLT3-L MUTANTS AND METHODS OF USE**

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**SUBMISSION OF FORMAL DRAWINGS**

Subject to the approval of the Examiner, please replace the informal drawings with the six sheets of formal drawings filed herewith (Figures 1, 2, 3, 4A, 4B, 5A and 5B). If the formal drawings for any reason are not in full compliance with the pertinent statutes and regulations, please so advise the undersigned.

If any fees are necessary for the submission of these formal drawings, please charge our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: July 16, 2001

By:   
Timothy B. Donaldson  
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